

AMENDMENTS TO THE DRAWINGS

Please amend the drawings by adding FIG. 2A as shown on the enclosed new sheet. FIG. 2A is identical to FIG. 2 except for the addition of a roller. Support for this amendment may be found in the specification and claims as originally filed. In particular, support may be found in original claim 11 and at page 4, line 16.

REMARKS

Claims 1-23 were pending. By this amendment, claims 5, 6, 9, 15, and 20-23 are withdrawn, and claims 1 and 13 are amended. Support for the amendments to claims 1 and 13 may be found in the specification and claims as originally filed. See for example, FIGS. 1 and 2 and page 2, lines 8-21. No new matter is added. As a result, claims 1-4, 7, 8, 10-14, and 16-19 remain pending and at issue.

Restriction Requirement

The applicants hereby elect alleged species I directed to FIGS. 1 and 2 as defined by the official action. The applicants respectfully submit that claims 1-4, 7, 8, 10-14, and 16-19 read on alleged species I. As a result, claims 1-4, 7, 8, 10-14, and 16-19 remain pending and claims 5, 6, 9, 15, and 20-23 are withdrawn.

35 U.S.C. § 102 and § 103 Rejections

The applicants respectfully traverse the rejection of claims 1-4, 7, 8, 10-14, and 16-19 as anticipated by or obvious over U.S. Patent No. 2,964,328 to Muir ("Muir"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Similarly, to establish a prima facie case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." M.P.E.P. § 2143. Muir fails to disclose or suggest all claim limitations. Thus, none of claims 1-4, 7, 8, 10-14, and 16-19 can be anticipated by or obvious over Muir.

In particular, each of claims 1-4, 7, 8, 10-14, and 16-19 recites first and second cover sections that pivot about respective pivot axes that are substantially perpendicular to a base side wall. Muir fails to disclose or suggest first and second cover sections that pivot about respective pivot axes that are substantially perpendicular to a base side wall. Specifically, Muir discloses an upright tool cart that has frame structure 12 including a forwardly facing open front compartment having spaced apart side walls 26, 28, a top wall 30, a bottom wall 32, and a pair of doors 46 and 48 are arranged to cover the open front of the compartment. See Muir, col. 2, lines 5-23 and FIGS. 1 and 2. However, the pair of doors pivot about axes that are parallel to the side walls (See FIGS. 1 and 2). As a result, Muir cannot disclose or

suggest first and second cover sections that pivot about axes that are perpendicular to the side walls as is recited by each of claims 1-4, 7, 8, 10-14, and 16-19. Thus, none of claims 1-4, 7, 8, 10-14, and 16-19 can be anticipated by or obvious over Muir. Accordingly, the applicants respectfully request withdrawal of the rejection of claims 1-4, 7, 8, 10-14, and 16-19.

Furthermore, one of ordinary skill in the art would not be motivated to modify the doors of the Muir device. Muir teaches that a tray 54 extends between the open pair of doors. See Muir, col. 2, lines 33-35 and FIG. 2. The tray 54 is attached to the inside of each of the doors and “may be used to support tools when the cart has been moved to the place of use.” See Muir, col. 3, lines 68-70. Thus, the doors of the Muir device support the tray 54 and must pivot about axes that are parallel to the side walls, or the tray 54 would not function correctly. As a result, modifying the doors of the Muir device would render the device unusable for its intended purpose, and for this reason one of ordinary skill in the art would not modify the doors of the Muir device.

Additionally, the applicants note that the official action defines the base bottom wall as reference numeral 10 in FIG. 1 of Muir. Muir defines reference numeral 10 as the tool cart itself and reference numeral 32 as the bottom wall. Regardless, the applicants presume that the official action intended to identify reference numeral 34 (the back wall) as the base bottom wall. Furthermore, the official action alleges that the side walls of Muir 26, 28, 30, and 32 extend “upwardly” from the bottom wall. However, as seen in FIGS. 1 and 2 of Muir, the side walls extend horizontally from the back wall 34.

Conclusion

The applicants respectfully request entry of the foregoing amendments. Support for the amendments may be found in the specification and claims as originally filed. Thus, no new matter is added. No fees are believed due. However, if there are any fees (or refunds) required, the Commissioner is directed to charge (or credit) Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP. A copy of this paper is enclosed herewith.

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Respectfully submitted,

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